

FILED
 UNITED STATES DISTRICT COURT
 ALBUQUERQUE, NEW MEXICO
 OCT 25 2016
MATTHEW J. DYKMAN
 CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

)

Plaintiff,

)

vs.

)

QUANG HUY BUI,

)

Defendant.

)

CRIMINAL NO.

16-4134/MV

Count 1: 22 U.S.C. § 2778: Arms
Export Control Act; 22 C.F.R. §§ 121
and 127.1(a);Count 2: 18 U.S.C. § 554: Smuggling
Goods from the United States.INDICTMENT

The Grand Jury charges:

Introduction

1. The United States Arms Export Control Act, Title 22, United States Code, Section 2778 (“AECA” or the “Act”) authorizes the President to, among other things, control the export of “defense articles” deemed critical to the national security and foreign policy interests of the United States. The AECA also authorizes the President to designate items as “defense articles,” require licenses for the export of such articles, and promulgate regulations for the export of such articles. By executive order, the President has delegated this authority to the United States Department of State, Directorate of Defense Trade Controls (“DDTC”). Accordingly, the DDTC promulgates regulations under the AECA, which are known as the International Traffic in Arms Regulations (“ITAR”).

2. The ITAR implements the provisions of the AECA, and establishes the framework for regulating the export of defense articles. The ITAR defines an “export” as the sending or taking

of a defense article out of the United States in any manner. The ITAR defines a “defense article” to be any item on the United States Munitions List (“USML”). The ITAR contains the USML. USML designations are made by the Department of State with the concurrence of the United States Department of Defense (“Department of Defense”).

3. Unless specifically exempted, the AECA and its attendant regulations, the ITAR, require persons engaged in the export of defense articles covered by the USML to register with the DDTC of the Department of State and obtain an export license from the DDTC before exporting defense articles from the United States by any means. Moreover, the DDTC maintains records of companies and individuals who have registered with the DDTC and applied for and received export licenses.

4. The Teledyne J402-CA-400 turbojet engine, is a defense article, listed on the USML, Section 121.1, Category IIX(d), and is thereby prohibited from export to foreign countries without a license or written approval from DDTC.

Count 1

5. The Grand Jury hereby re-alleges and reincorporates paragraphs 1-4 above as though fully set forth herein.

6. From on or about March 10, 2016 through on or about July 19, 2016 in the District of New Mexico, and elsewhere, the defendant, **QUANG HUY BUI**, did knowingly and willfully attempt to export from the United States to Vietnam a defense article, namely, one and more Teledyne J402-CA-400 turbojet engines, without first having obtained the required license and written approval from the United States Department of State, Directorate of Defense Trade Controls.

In violation of 22 U.S.C. § 2778: Arms Export Control Act; 22 C.F.R. §§ 121.1 and 127.1(a).

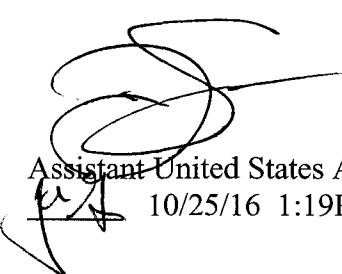
Count 2

7. The Grand Jury hereby realleges and reincorporates paragraphs 1-4 above as though fully set forth herein.

8. From on or about March 10, 2016 through on or about July 19, 2016 in the District of New Mexico, and elsewhere, the defendant, **QUANG HUY BUI**, did fraudulently and knowingly attempt to export and send from the United States and receive, conceal, buy, and in any manner facilitate the transportation, concealment and sale, prior to exportation from the United States of one and more Teledyne J402-CA-400 turbojet engines, knowing the engines to be intended for export, without first having obtained the required export license and authorization from the United States Department of State, Directorate of Defense Trade Controls, contrary to, 22 U.S.C. § 2778 and 22 C.F.R. Parts 121 and 127.

In violation of 18 U.S.C. § 554: Smuggling Goods from the United States.

A TRUE BILL:



/s/
FOREPERSON OF THE GRAND JURY

Assistant United States Attorney
10/25/16 1:19PM